

November 4, 2004 Commission Meeting Summary

ITEM

1. **Public Comment.** *None received.*

CONSENT ITEMS

2. **Approval of the September 2, 2004, Commission Meeting Minutes.** *Approved.*
3. **Approval of the October 7, 2004, Commission Meeting Minutes.** *Approved.*

ENFORCEMENT

Campaign Reporting Violations – Default Decisions

4. **In the Matter of BJK Investments, Inc., FPPC No. 03/560.** Staff: Commission Counsel Elizabeth K. Conti and Investigator III Jon Wroten. Respondent BJK Investments, Inc., a California corporation headquartered in San Francisco, failed to file a semi-annual campaign statement, in violation of Section 84200, subdivision (b) of the Government Code (1 count). *Approved, \$5,000 fine.*
5. **In the Matter of Miranda Tsao, FPPC No. 04/163.** Staff: Commission Counsel Elizabeth K. Conti and Investigator III Jon Wroten. Respondent Miranda Tsao, a resident of Cupertino, failed to file a semi-annual campaign statement, in violation of Section 84200, subdivision (b) of the Government Code (1 count). *Approved, \$5,000 fine.*

Campaign Reporting Violation – Filing Officer Violation

6. **In the Matter of Henry Manayan, Manayan for Mayor, and Manayan for Mayor 2000, FPPC No. 00/752.** Staff: Senior Commission Counsel Melodee A. Mathay and Accounting Specialist Bill Marland. Respondent Henry Manayan was elected to the Milpitas City Council in 1994, and served as the Mayor of Milpitas from 1996 through 2002. Respondents Manayan for Mayor and Manayan for Mayor 2000 were Respondent Manayan's controlled committees. Between 1999 and 2001, Respondents failed to timely file three semi-annual campaign statements, in violation of Government Code section 84200, subdivision (a) (3 counts). In addition, Respondent Manayan failed to timely file an annual statement of economic interests, in violation of Government Code section 87203 (1 count), and failed to timely file a leaving office statement of economic interests, in violation of Government Code section 87204 (1 count). *Approved, \$5,000 fine.*

Conflicts of Interest

7. **In the Matter of Mark Baldwin, FPPC No. 03/204.** Staff: Senior Commission Counsel Julia Bilaver, Investigator III Jon Wroten. As a consultant for the Department of Water Resources, Mark Baldwin twice participated in making governmental decisions in which he had a financial interest, in violation of Government section 87100 (2 counts); participated in making a governmental decision directly relating to a contract involving a company with which he had a business relationship, in violation of section 87450 (1 count); and failed to disclose three companies as sources of income on an assuming office statement of economic interests, in violation of section 87300 (3 counts). *Approved, \$25,500 fine.*

Informational Item-Civil Settlement

8. **Fair Political Practices Commission v. Association of California School Administrators Issues Political Action Committee and Bob Wells, FPPC No. 03/282.** Staff: Senior Commission Counsel Julia Bilaver and Investigator II Charlie Bilyeu. Defendant Association of California School Administrators Issues Political Action Committee is a state general purpose committee that is sponsored by the Association of California School Administrators ("ACSA"). Defendant Bob Wells is the treasurer of Defendant Committee and the Executive Director of ACSA. Defendants failed to file two pre-election campaign statements, disclosing \$430,000 in contributions made in opposition to Proposition 38, a measure appearing on the ballot in the November 7, 2000 statewide general election, in violation of Government Code section 84200.5.
9. **Fair Political Practices Commission v. San Franciscans Against the Blank Check—No on Measure D Committee Sponsored by PG&E, James R. Sutton, and PG&E Corporation, FPPC No. 03/061.** Staff: Commission Counsel William J. Lenkeit, Investigator III Jon Wroten. Defendant San Franciscans Against the Blank Check—No on Measure D Committee Sponsored by PG&E (the "Committee") was a local ballot measure committee primarily formed to oppose Measure D in the November 5, 2002 San Francisco general election. Defendant James R. Sutton was the treasurer of Defendant Committee. Defendant PG&E Corporation was the sponsor of Defendant Committee. Defendants PG&E and Sutton failed to disclose making two late contributions totaling \$800,000 to Defendant Committee in properly filed paper and electronic late contribution reports, in violation of Government Code sections 84203, and 84605, subdivision (a). Defendants Committee and Sutton also failed to disclose receiving the two late contributions in properly filed paper late contribution reports, in violation of Government Code section 84203.

Statement of Economic Interests

10. **In the Matter of Michael Jackman, FPPC No. 02/1083.** Staff: Commission Counsel Jeffery A. Sly and SEI Coordinator Mary Ann Kvasager. Respondent Michael Jackman, an Industrial Relations Counsel for the for the California Department of Industrial Relations, failed to timely file a 2001, 2002, and 2003 annual statement of economic interests, in violation of Government Code section 87300 (3 counts). *Approved, \$2,100 fine.*

Statement of Economic Interests – Streamlined Program

11. Failure to Timely File Statements of Economic Interests. Staff: Commission Counsel Jeffery A. Sly and Political Reform Consultant Linda Denly. The following persons have entered into stipulations for failing to timely file statements of economic interests, in violation of Government Code sections 87202, 87203, 87204 or 87300.

- a. In the Matter of Anthony Bejarano, FPPC No. 04/446.** Anthony Bejarano, a member of the Planning Commission for the City of Baldwin Park, failed to timely file a 2003 annual statement of economic interests in violation of Government Code section 87203 (1 count). *Approved, \$100 fine.*
- b. In the Matter of Jorge Jasso, FPPC No. 04/442.** Jorge Jasso, a member of the Planning Commission for the City of Salinas, failed to timely file a 2003 annual statement of economic interests in violation of Government Code section 87203 (1 count). *Approved, \$100 fine.*
- c. In the Matter of William Kruer, FPPC No. 04/505.** William Kruer, a member of the California Coastal Commission, failed to timely file a 2003 annual statement of economic interests in violation of Government Code section 87203 (1 count). *Approved, \$100 fine.*
- d. In the Matter of Carol Romo, FPPC No. 04/411.** Carol Romo, a member of the Registered Nursing Board for the State of California, Department of Consumer Affairs, failed to timely file a 2003 annual statement of economic interests in violation of Government Code section 87300 (1 count). *Approved, \$100 fine.*
- e. In the Matter of Roger Farrell, FPPC No. 04/254.** Roger Farrell, a member of the Traffic Safety Committee for the City of Sonoma, failed to timely file an assuming office statement of economic interests in violation of Government Code section 87300 (1 count). *Approved, \$100 fine.*
- f. In the Matter of Bobbie Parks, FPPC No. 04/0459.** Bobbie Parks, a member of the Baldwin Hills Conservancy failed to timely file an assuming office and 2003 annual statement of economic interests in violation of Government Code section 87300 (2 counts). *Approved, \$200 fine.*
- g. In the Matter of Nicholas Arguimbau, FPPC No. 04/086.** Nicholas Arguimbau, a member of the Planning Commission for the Town of Fairfax, failed to timely file an assuming office and 2000 annual statement of economic interests, in violation of Government Code sections 87202 and 87203 (2 counts). *Approved, \$200 fine.*

ITEMS REMOVED FROM CONSENT

DISCUSSION ITEMS

Pre-Notice Discussion

- 12. Pre-Notice Discussion of Amendments to the “Gift Cluster” Regulations 18946, 18946.1, 18946.2, and 18946.4; and adoption of regulation 18640.** Staff: Commission Counsel William J. Lenkeit. The Commission is considering amendments to the gift regulations containing the rules for valuation of gifts. Amendments to regulation 18946 would define “face value,” “ticket/pass,” and “invitation.” Amendments to regulation 18946.1 would provide that a ticket is valued at face value only if purchased at that price or if provided by the host, otherwise the value would be the cost to the donor. Amendments to regulation 18946.2 would provide that the value of the gift in attending invitation-only events is the pro rata share of the cost to the donor, define that term, add valuation rules for performing official functions, and for attending events on a “drop-in” basis. Amendments to regulation 18946.4 would modify or eliminate the no value rule for tickets to 501(c)(3) fundraising events. The addition of regulation 18640 would codify the “drop-in” rule for lobbyist employer sponsored events. *The Commission approved the regulations, with revisions, for public notice and adoption in January.*
- 13. Executive Director’s Report.** Staff: Executive Director Mark Krausse. *No action taken.*
- 14. Litigation Report.** Staff: General Counsel Luisa Menchaca and Senior Commission Counsel Larry Woodlock. *No action taken.*